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File No. Watan II 44

Legal Department

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Subject:- Rules and Notifications under the Bombay Hereditary offices Act, 1874.

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Officer of the R.L.A.

It is true that one of the objects for which the Bombay Regulation XVI of 1827 was passed was to make provision for the efficeient discharge of the duties attached to the situations of herediatary district and vi llage officers and servants and that the third Chapter of the Regulation provided for these officers But is must also be remembered that the form of enactments in olden days was archaic and not strictly logical . For instance along with Regulataion XVI of 1827 , there was also Regulation XVII of 1827 in force prescribing the rules for the assessment and rellization of land revenue, defining therelative rights in land and its produce, of Government and its subject and of superior holder and tenant and vesting certain judicial powers in the Collector etd.

2. As the provisions contained in Chapter III of Regulation XVI of 1827 were found to be insufficient to secure the efficeient discharge of their duties by hereditatary officers and as need was felt for an enactment to regulate their services and to secure thed due discharge of the duties for the performance of which a portion of state property had been assigned to Watandar families Bombay Act, XI of 1843 was enacted for regulating the services of herediatary officers in the Presidency of Bombay.This Act XI of 1843 was repealed by section 2 of thepresent Bombay Hereditary Offices Act, 1874 .

3. The Bombay Hereditatary Offices . Act, 1874 , other wise known as the Watan Act,was enacted to declare and amend the law relating to herediarary offices. Heredistary office in sectiond means every office held heredia tarily for theperformance of duties connected not only with theadministration or colection of the public revnues byt also with the village police, with the settlement of boundaries and other matter of civil administration. The expression includes such office even where the services originally appetaining to it have ceased to be demanded It will thus be seen that the Watan Act is also applicable to those watandars who may have nothing to do with the administra - tion or collection of thepublic revnue or where they or their

predecessors-in title have long since ceased to perform any duties connected with the administration or collection of the public revenue

4. The Bombay Land Revenue Code, 1879 , was enacted to consolidate and amend the law relating to revenue officers. and to the assessment and recovery of land revenue , and to other matters connected with the land revenue administration. It is true that the definition of "revenue officer " in section 3(1) of the Bombay Land Revenue Code, 1879 , does include a village officer appointed or officiating under any of the provisions of the Watan Act, but that is only for the purposes of sections 25 and 26 (Corresponding to section XI &XIV in chapter II of Regulation XVI of 1827which originally did not apply to theheredi tary officers under chapter III of that Regulation, but came to be specifically applied to them under sections I and II of Regulation V of 1833,) the definition however brings out that "revenue officers" do not include hereditary police patels, non-service watandars, etc.

5. It will thus be seen that the two Acts viz. the Bombay Hereditary Offices Act,1874 , and the Bombay Land Revenue Code, 1879 , deal with two distinct and separate matters, namely hereditary offices and land revenue administration, respectively. When the old law contained in Regulations XVI and XVII of 1827 came to be enlarged it was evidently not found suitable to codify the law relating to these two distinct matters in one enactment since they were materially dissimilar. The Watan Act is not therefore a law ejusdem generis with the Bombay Land Revenue Code 1879 and R.L.A. sees no reason to modify theview expressed in his opinion No. 4133 , dated the 10th June 1943.

Id/- P.W.K.
dt/- 6/6/44/

Remembrancer of Legal Affairs.

U.R.to R.D.no 4045 , dated the 7th June 1944.

V.V.K. 14/7/56/